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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,528	04/07/2004	David Sawyer	07844-648001	8330
21876 7590 10/11/2007 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER TANK, ANDREW L	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,528

Applicant(s)

SAWYER, DAVID

Examiner

Andrew Tank

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13, and 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment of July 31, 2007. Claims 3 and 14 have been canceled. Claims 24-33 have been added as new. Claims 1, 8, 9, 13, and 19-22 have been directly amended. Claims 1, 2, 4-13, and 15-33 are pending and have been considered below.

#### ***Specification***

2. The amendment to the Abstract, submitted July 31, 2007, overcomes the Abstract objection of April 4, 2007. The objection is withdrawn.

3. The amendment to the Specification, submitted July 31, 2007, overcomes the Specification informalities objection of April 4, 2007. The objection is withdrawn.

#### ***Claim Objections***

4. The amendment of Claims 13-23 submitted July 31, 2007 overcomes the minor informalities in the claims objections of April 4, 2007. The objections are withdrawn.

#### ***Claim Rejections - 35 USC § 112***

5. The amendment of Claims 13-23, submitted July 31, 2007, overcomes the enablement rejections of April 4, 2007. The rejections are withdrawn.

6. The amendment of Claims 8, 9, and 19, submitted July 31, 2007, overcomes the indefinite claim language rejections of April 4, 2007. The rejections are withdrawn.

***Double Patenting***

7. The amendment of Claims 20-22 to properly depend on claim 19, submitted July 31, 2007, overcomes the double patenting advisement of April 4, 2007. The advisement is withdrawn.

***Claim Rejections - 35 USC § 101***

8. The amendment of Claims 13-23, submitted July 31, 2007, overcomes the non-statutory rejections of April 4, 2007. The rejections are withdrawn.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 2, 4-13, and 15-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Excel 2000, copyright 1999 Microsoft Corporation, hereafter known as "Excel", as evidenced by Blattner, "Special Edition Using Microsoft Excel 2000", published by Que Corporation 1999, hereafter known as "Blattner", and Bott, "Special Edition Using Microsoft Office 2000", published by Que Corporation 1999, hereafter known as "Bott", in further view of Oran et al. (US 5,757,371), hereafter known as "Oran".

- **Claims 1, 13, and 24:** Excel discloses a method, computer product, and system comprising:

- receiving from a user of a graphical user interface an input requesting the moving of a button from a source toolbar to a destination toolbar (Blattner page 869-870 “Modifying Toolbars”, Fig. 28.13), the button having a button presentation and a set of button constraints (Blattner page 871 Fig 28.16, pages 872-873 “Changing the Button Images”), the button constraints including a range of button heights (Bott page 48 Fig. 2.9), and the destination toolbar having a toolbar presentation and a set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”);
  - calculating an adapted presentation of the destination toolbar with the button, including calculating a modified presentation of the button subject to the set of button constraints and calculating a modified presentation of the destination toolbar subject to the set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”); and
  - drawing the destination toolbar and the button on the destination toolbar according to the adapted presentation (Blattner pages 875-878 “Building Custom Toolbars”).
- However, Excel fails to specifically disclose that the button constraints include a range of button heights and the toolbar constraints include a range of toolbar heights and widths.
- Excel fails to specifically disclose that the button constraints include a range of heights and the toolbar constraints include a range of heights and widths and such that when the button is moved from the source toolbar to the destination toolbar, the toolbar constraints determine the size of the moved button. Oran discloses a method for toolbars and shortcut icons to be displayed in a taskbar (Abstract: “A taskbar is

provided that provides visual cues, such as buttons..”). The taskbar is resizable (Abstract: “The task bar is resizable..”), with variable heights (Fig. 7 shows the taskbar being resized about it’s height), and widths (Fig. 10A shows the taskbar anchored the right edge of the screen, resizing in this case would result in variable width). Buttons are contained therein (col 6 lines 56-59, Fig. 3). When buttons are added to the taskbar, all the buttons are redrawn to a new size based on the available area of the taskbar and the number of buttons to be drawn (col 7 lines 5-19, Fig. 3, Fig. 5). The redrawn size for the buttons is uniform and the taskbar size does not change (Fig. 5). Therefore, it would have been obvious to one having ordinary skill in the art and having the teachings of Excel and Oran before them at the time the present invention was made, that when a user drags a button from a source toolbar to a destination toolbar, as taught by Excel, the button is presented on the destination toolbar in by resizing the moved button in order to present a uniform button array to the user without modifying the size of the destination toolbar, as taught by Oran. One would have been motivated to perform this sizing in order to allow a user to customize the toolbars, as suggested by Excel. Further, resizing the icons on the customized toolbar will provide the user with an adequate display of all available buttons, as suggested by Oran (col 6, lines 61-63).

- **Claims 8, 19 and 29:** Excel discloses a method, computer product, and system comprising:
  - receiving from a user of a graphical user interface an input requesting the docking of a source toolbar to a destination band, the destination band including a destination toolbar (Blattner pages 869-870 “Modifying Toolbars”, Fig. 28.13 and Bott pages 40-

- 41 docking toolbars), the source toolbar having one or more source toolbar buttons (Blattner pages 869-870 default toolbars, Fig. 28.13) , each of the one of more source toolbar buttons having a button presentation and a set of button constraints (Blattner page 871 Fig 28.16, pages 872-873 “Changing the Button Images”), the button constraints including a range of button heights (Bott page 48 Fig. 2.9), the source toolbar having a toolbar presentation and a set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”), the destination toolbar having a toolbar presentation and a set of destination toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”);
- calculating an adapted presentation of the destination band with the one or more source toolbar buttons, including calculating a modified presentation of the one or more source toolbar buttons subject to the set of button constraints and calculating a modified presentation of the source toolbar and the destination toolbar subject to the set of destination toolbar constraints (Bott page 41 paragraph 1); and
  - drawing the destination band including the destination toolbar with the one or more source toolbar buttons according to the adapted presentation (Bott et al. page 41 paragraph 1).
  - Excel fails to specifically disclose that the button constraints include a range of heights and the source toolbar constraints and destination toolbar constraints include a range of heights and widths and such that when the button is moved from the source toolbar to the destination toolbar, the toolbar constraints determine the size of the moved button. Oran discloses a method for toolbars and shortcut icons to be

displayed in a taskbar (Abstract: "A taskbar is provided that provides visual cues, such as buttons.."). The taskbar is resizable (Abstract: "The task bar is resizable.."), with variable heights (Fig. 7 shows the taskbar being resized about it's height), and widths (Fig. 10A shows the taskbar anchored the right edge of the screen, resizing in this case would result in variable width). Buttons are contained therein (col 6 lines 56-59, Fig. 3). When buttons are added to the taskbar, all the buttons are redrawn to a new size based on the available area of the taskbar and the number of buttons to be drawn (col 7 lines 5-19, Fig. 3, Fig. 5). The redrawn size for the buttons is uniform while the taskbar size does not change (Fig. 5). Therefore, it would have been obvious to one having ordinary skill in the art and having the teachings of Excel and Oran before them at the time the present invention was made, that when a user docks a source toolbar to a destination toolbar, as taught by Excel, the source buttons are presented on the destination toolbar by resizing the moved buttons in order to present a uniform button array to the user without modifying the size of the destination toolbar, as taught by Oran. One would have been motivated to perform this sizing in order to allow a user to customize the toolbars, as suggested by Excel. Further, resizing the icons on the customized toolbar will provide the user with an adequate display of all available buttons, as suggested by Oran (col 6, lines 61-63).

- **Claim 2:** Excel and Oran disclose the button and toolbar method of claim 1 above, and Excel further discloses wherein: the input further includes a request to move a control, the control having a control presentation and a set of control constraints (Blattner page 877 "Add buttons from the Commands tab in the Customize dialog box.").



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- **Claim 4, 9, 15, 20, 25, and 30:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the destination toolbar includes a set of destination toolbar buttons at a time of the input; and the toolbar constraints comprise constraints specific to the destination toolbar and constraints derived from the set of destination toolbar buttons (Blattner page 869 “Excel enables you to add and remove buttons on any of the default toolbars..”).
- **Claim 5, 10, 16, 21, 26, and 31:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the button presentation is defined by vector graphic data; and calculating a modified presentation of the button comprises calculating a size for the button, where the size is determined solely by the modified presentation of the destination toolbar (Blattner page 872 “Copy an image from an image file.”).
- **Claim 6, 11, 17, 22, 27, and 32:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the button presentation is defined by raster graphic data and the button constraints specify that the button should be presented at one of a fixed number of presentation sizes (Blattner page 872-873).
- **Claim 7, 12, 18, 23, 28, and 33:** Excel and Oran disclose the raster button and toolbar methods, computer products, and systems of claims 6 and 11, 17 and 22, and 27 and 32 above respectively, and Excel further discloses wherein: the fixed number of presentation sizes includes sizes of 24-by-24 pixels and 32-by-32 pixels (Bott page 48 Fig. 2.9).

### *Response to Arguments*

11. Applicant's arguments with respect to Claim 1 are solely directed towards newly amended limitations and are moot in view of the new grounds of rejection.

### *Conclusion*

12. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach:

- Tai et al. (US 2004/0135812) – pertains to establishing a re-configurable taskbar.
- Matthews et al. (US 2005/0055645) – pertains to resizing tiles on a computer display.
- Oran et al. (US 5,617,526) – pertains to a GUI based external application status notification for an O/S, involving designating a taskbar notification area which notifies a user of external application events without interrupting the first application.
- Austin (US 5,760,772) – pertains to automatically resizing a child window.
- Lozares et al. (US 5,790,120) – pertains to an individually configurable panel user interface with selective launching, sticky windows, hot keys, start up options and a configurable background.
- Sheldon et al. (US 6,072,486) – pertains to creating and customizing a deskbar.
- McComb et al. (US 6,111,573) – pertains to device independent windows and views.
- Andrew et al. (US 6,392,673) – pertains to Method for resizing user interface elements for an operating system

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- Smith (US 6,448,986) – pertains to displaying graphical objects on a display screen.
- Odom (US 7,036,087) – pertains to toolbar manipulations.
- Gourdol ( US 7,216,304) – pertains to graphical user interfaces having variable size icons.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ALT

October 2, 2007

TADESSE HAILU  
PRIMARY EXAMINER

